

STATEMENT OF PURPOSE**RS21323C1**

It is the purpose of this legislation to protect patients from involuntary denial of food and fluids, and from involuntary denial of life-preserving medical treatment. Currently, any doctor or other health care provider may refuse to provide a patient life-preserving medical treatment including artificial nutrition and hydration, that is deemed medically inappropriate or futile, terms that are not defined in the law. Moreover, under current law any doctor or other health care provider unwilling to conform to the desires of the patient may withdraw once the provider has made a good faith effort to assist in obtaining the services of another health care provider willing to provide the desired care, whether or not the patient's care has actually successfully been transferred to another health care provider willing to give the patient the desired medical treatment, food or fluids.

When the patient, the patient's advance directive, or the surrogate Idaho law authorizes to make health care decisions on behalf of the patient has directed it, this legislation will prevent denial (1) of health care that is not futile care and (2) of assisted feeding and artificial nutrition or hydration. On the other hand, except as provided elsewhere in the Idaho Code for mentally ill persons and those with developmental disabilities, the legislation will require their withdrawal when directed by the patient, the patient's advance directive, or the patient's surrogate.

Futile care is specifically defined as a course of treatment (a) for a patient with a terminal condition for whom, in reasonable medical judgment, death is imminent within hours or at most a few days whether or not the medical treatment is provided and that in reasonable medical judgment will not improve the patient's condition; or (b) the denial of which in reasonable medical judgment will not result in or hasten the patient's death. The legislation does not require provision of treatment to a patient if it would require denial of the same or similar treatment to another patient.

FISCAL NOTE

There is no fiscal impact to the General Fund.

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